

**Notice of Allowability****Application No.**

09/976,414

**Examiner**

William W. Moore

**Applicant(s)**

NORREGAARD-MADSEN ET AL.

**Art Unit**

1652

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 January 2004.
2. ☒ The allowed claim(s) is/are 48-79.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

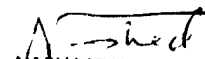
### **Reasons for Allowance**

Claims 1-47 were canceled at Applicant's request in the Amendment filed January 20, 2004, and new claims 48-79 submitted therewith describe subject matters that are within the election made September 22, 2003, and examined in the communication mailed October 1, 2003. It is agreed that the new claim 71 states subject matter present in the originally filed claim 37, thus introduces no new matter, and that entry of Applicant's amendment of the paragraph at page 18, lines 17-30, of the specification corrects an obvious error, thus presents no new matter. In view of the limitations "modified" at line 1 of claim 1, from which claims 49-74 depend, and "isolated" at line 1 of claim 75, from which claims 76-79 depend, new claims 48-79 are free of the rejection of record of claims herein under 35 U.S.C. § 101. Applicant's arguments at pages 8 and 9 of the "Remarks" submitted with the amendments of January 20, 2004, are persuasive in overcoming the rejection of record of claims herein under the first paragraph of 35 U.S.C. § 112 for inadequate written description and the new claims avoid the rejection of record of claims herein under the second paragraph of 35 U.S.C. § 112 for indefinite description. The new claims, including claim 71, are free of the prior art of record for the reasons set forth at pages 7 and 8 of the communication mailed October 1, 2001, and although claim 51 of U.S. Patent No. 6,605,458, made of record herewith, describes modified subtilases wherein amino acid insertions between one or more of the positions recited in claim 71 herein may be combined with insertions of "at least two amino acids" between the subtilisin BPN'-correspondent "positions 218-219" no issue of double-patenting arises where amino acid insertions of claims herein may not occur between the subtilisin BPN'-correspondent positions 218 and 219 but must precede the subtilisin BPN'-correspondent 218. Thus claims 48-79 are allowed herewith.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William W. Moore whose telephone number is now 571.272.0933. The examiner can normally be reached between 9:00AM and 5:30PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can now be reached at 571.272.0928. The fax phone numbers for all communications for the organization where this application or proceeding is assigned remains 703.872.9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is now 571.272.1600.

William W. Moore  
April 7, 2004

  
NASHAAT T. NASHED PHD.  
PRIMARY EXAMINER